

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 3/11/2024
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-v-

JAMES KELLY,

Defendant.

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GREGORY H. WOODS, United States District Judge:

1:23-cr-113-GHW

ORDER

The Court orders a hearing to determine the mental competency of the defendant. 18

U.S.C. § 4241 provides the following:

At any time after the commencement of a prosecution for an offense and prior to the sentencing of the defendant, or at any time after the commencement of probation or supervised release and prior to the completion of the sentence, the defendant or the attorney for the Government may file a motion for a hearing to determine the mental competency of the defendant. The court shall grant the motion, or shall order such a hearing on its own motion, if there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

18 U.S.C. § 4241. The Court is required to order a competency hearing in this case. *See* Letter dated January 7, 2024 (Dkt. No. 70). There is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect that renders him unable to assist properly in his defense.

The parties are directed to meet and confer and to submit a joint letter to the Court regarding the process that the Court should adopt in order to evaluate the defendant's competency, including a proposed schedule. The Court requests that the parties confer regarding the identification of a licensed or certified psychiatrist or psychologist to conduct the examination of Mr. Kelly and that they propose an order for the appointment of any such expert. These submission

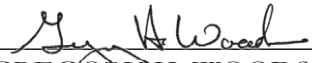
should be made no later than March 14, 2023.

Mr. Kelly's trial is adjourned *sine die*. Time is excluded under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(1)(A).

The Clerk of Court is directed to terminate the motions pending at Dkt. Nos. 92, 93 and 94.

SO ORDERED.

Dated: March 11, 2024



GREGORY H. WOODS
United States District Judge